G. R. S. 59]

GPB—15,000—20-12-13

GENERAL AND REVENUE SECRETARIAT.

~~191~~ 1896-7

(Courts)

File No. 79 of 96-7

Serial Nos. 1-4

P. 12

~~Papers Filed.~~

~~*Month*~~ _____

SUBJECT.

Grant of batta and ~~mileage~~ mileage to mr. J. Lee Stuart for attending the Court as a witness.

PREVIOUS REFERENCES.	LATER REFERENCES.
	Indexed P. Venkata Subbiah Commissioner

Note

One Mr. J. L. Stewart claims a batta of Rs 75-0-0 for having attended the Court of the Genl Board Commrs ~~Coll~~ at Bangalore as a witness in Cr. case No. 10 of 1896-97

2. He has not explained how he has arrived at the ~~amount~~ amounts and what rate of batta and mileage he has ~~been so kind as to allow~~ allowed for himself. We are not, therefore, in a position to say what is the actual expense incurred by him much less, whether it is great or small

3. Now, the Genl Commrs Circular of 1869 (copy put up) prohibits the payment of expenses to witnesses in Crim. cases, except when the witnesses are poor or the expenses are considerable; and in any case, the maximum rate allowable is only 4 annas for every days attendance at Court or for every ~~day~~ ~~journey~~ days journey of ten miles to and fro. It is on the authority of this Circular that the Genl Board Comm has disallowed the Bill

4. Either the Amount claimed maybe rejected; or Mr Stewart maybe asked to forward in the prescribed form a bill showing particulars of days and miles travelled by him, with a certificate of attendance from the Court which he attended.

Submitted 27/1/97

5. Coffee Stealing case. Was perhaps a warrant case.

9

2 If it were a summons case, the Magte could have required the deposit of reasonable expenses before summoning this witness. (See 244 Cr. & 20 Colly)

Even in warrant cases he can do so under certain circumstances (Section 257).

Is there not a more recent order than that quoted by the Magte

C

28-1-97

Subjoined:

6. No more recent order is stated to exist. The Magte has power, under ss 244 & 257 Cr.P.C., to require deposit of expenses, previous to summoning a witness. This not having been done, it is doubtful whether the same can now be required from the party concerned.

3/2/97.

Subd 2- 1st Cr.

7. It is a pity that the Magte did not require the deposit of expenses before summoning this witness.

~~[illegible]~~ We may ~~[illegible]~~ ask the Chief Court to favour Govt with their opinion,

as to how such claims are to be dealt with.

C

3/2/97

3/2/97

8. There is some conflict between Chft Hoft in regard Bengt & handly allen & Bengt attendg the Circl Ct. Shall let him know what action proposed. I think I (as Chft) recommended the adoptn of the modern Indian Scale — wh are in force in the Circl Courts — Have seen the Chft they will say that the matter rests with Govt as they have already advised the Govt in the subject —

9. When making such post up the case In the meantime and We be deemed Wind as a means shall be detain the accused Chft

3/2/97

Seen Remarks upto 6th June 1892; does not appear any clue in this subject; back of file papers

No. 16350 of 1002

Ref. to Govt 4-2-97. by 6/2/97

Ref. to put up 17/2/97

Ref. to Govt 1.4.95. you will find what is wanted.

Sd. 16/4/95

Wo 5951

Subd to Secy

(of 15th April 1895)

10. Here is the final Order called for by the 15th C.V. Wherein Govt considered it unnecessary to adopt the Madras Rules in their entirety, as ~~most~~ those like those in question were killed. The few: each case was therefore dealt with on its merits

20/2/97

11. That correspondence re Salaries to employees of the Madras Railway Company, does not seem to the point. It may however be called for with the relevant Memo of actual charges incurred. This Memo does not seem to have been called for as directed by the Secy. Call for it now — C

3/3/97

Draft
SL
2.3.97

12. Mr. Stewart was asked to give details of the actual charges incurred by him. He sends what is practically the batta bill of a Dy Commr! (Vide his note at the end of this letter: "I charged double (Rs. 6), as I was informed by a Govt. servant that this was always allowed to them" etc etc.). The best thing would probably be to allow half the amount i.e. 37 R. 10-0, which would represent as nearly as possible the actual expenses.

Subd to Secy

12/3/97

Do do C

Draft

Issued to Secy (Ry) 13/3

Issued to Secy C
Convey sanction as a 13/4/97
special case to the actual charges incurred limited

5/

No 5558

J 873

189

From J. Lee Stewart Esq/ Bolalpet. Belur

OFFICE OF THE
DEWAN OF MYSORE
6083
P. & A. 1102

Hassan 1/1.

SECTION Cls

FILE No. 79 of 95-7

SERIAL No. 1.

The Secretary to the Govt. of Mysore,

Dept.

Dated 14 Jan: 97

Despatched

Received 97

General No.

No.

Enclosure No. 2

Claiming Rs: 75-/6/- as batta & mileage for attending the 1st Cl: Assistant Commr's Court, Bangalore as witness in crl: case No 10 of 96/97.

References to be marked.

J J Sl AA

Inol

Submitted

W 1/1

[redacted]

Jan 14 1892

Sir

I was summoned as a witness for the Defence at the Summer Assizes Crown Court on Friday on Nov 1891 I attended as aforesaid but in my bill of Costs & Expenses after Settled I received the enclosed letter & Cheque & pointed out that I resided 32 miles from Carlisle & Taken by expeditious & direct route & that I should certainly have attended if I had thought my expenses would have been paid as

& considerable inconvenience & sent the Mate up to the residency and he has returned one to place the matter before you

Yrs faithfully
Jas Stewart

My bill including cost for Mileage & station & bettu comes to Rs 7-8. Amount for wages 2-11

Gen. 31]

1896

From The 1st Class Assistant
Comr. of S.t C. hasts
Bangalore Dt.

To J. Lee Stewart Esq.
Tholalpatt. Belu
Hassan Dt

Dated 2 Dec. 1896.

Despatched

Received

General No. 166
No.

Enclosure No.

Sir.

Referring to your letter of 12 ultimo claiming Rs 75/4/- as batta & mileage for attending this Court as a witness in Criminal Case No 10 of 96/7 on the file of this Court, I have the honor to inform you that the bill cannot

allowed as your attendance to the Court in Connection with the Coffee Stealing Case was on public duty.

Under the authority contained in Judicial Commissioners Cir No 1685 of 17 November 1869. Criminal Courts are given power to allow batta to only poor witnesses or those who have been put to considerable Expense in attending the Court, not Exceeding 4 annas for every day's attendance at the Court or for every day's Journey of 10 miles to and from the Court.

I have the honor to be
Sir
Your most obdt servant

S. Summerfield
1st Assistant Comr
Bangalore Dt.

JF 3696-97

Judicial Commissioner's Circular No. 1685-96 dated 17th November 1869.

Rules for regulating the payment of the expenses of witnesses required to attend the courts for the purpose of giving evidence in criminal cases either at a trial in any court, or when making enquiry with a view to a trial before the High Court, or Court of Session.

Rules for regulating Payment of Expenses to Witnesses.

The attendance of complainants and witnesses at the criminal courts being a public duty, payments should be made only to such as are poor, or to those who have been put to considerable expense in attending the court. And, as a general rule, no more than four annas will be allowed to each witness

for every day's attendance at the court, or for every day's journey of ten miles to and from the court, a fraction of ten miles exceeding two miles being reckoned as ten miles, so that a journey of three miles would be reckoned as one day's journey, and a journey of thirteen miles as two days journey. The contingent bill of the officer should be accompanied by a statement showing the name of each complainant or witness to whom an allowance has been made, the number of days, and the amount allowed to him.

No 9954 d 5-3-97
J 1156

To

J. Lee Stewart Esqre,
Tholalpet estate
Belur. Hassan

SECTION 115
FILE No. 7905/96-7 Sec I
SERIAL No. 2

With reference to your letter dated the 14th January 1897 claiming a batta of Rs 75-8-0 for having attended the Court of the General Asstt Commissioner at Bangalore as a witness in criminal case no 10 of 1896-97, I have the honor to request that you will be so good as to furnish to this office a memo showing in detail the actual charges incurred by you, with particulars of days and miles travelled

I have etc
[illegible]
25/3/97
for Secty

Received
Rs 1-4
1/4/3

Lett 4003 of 1190
171
file 6635 Branch of the
A.C. 173 189 7619
12-3-97
Rd 132

From Mr. Lee Warner

Belur

SECTION Pol To

The Secretary to the Govt. of Mysore,

FILE No. 1905-96-7 Dept.

SERIAL No. 2

Dated 9-Dec/97

Despatched

Received 9-4-97

General No.

No.

Enclosure No.

Furnishing details with
refce to Govt: Order of 5th inst.

The refce alluded to within has
issued from the Jud Branch

References to be marked.

11/27/3/97
Refees put up
Libd
WM
7/4/97

Ans 11/3/97 Thos Hoffgett State
Belvue
Kansas Ind
March 9th 1897

Sir Pleas find
details asked for in your
letter of 5th inst.

Yrs truly
John Stewart

No. 11771-1/3
§1340 §28-4-97

SECTION 65
FILE No. 79098-7
SERIAL No. 4

Read,

Letters dated 14th January and 9th March 1897 from Mr J. Lee Steuart of the Tholat pet Estate, Belur Taluk Kadur Dt, requesting sanction to a sum of Rs 75-4-0 on account of his expenses in ~~being the usual charges incurred by persons in attending~~ attending the General Arbitrator Commissioner's Court Bangalore, as a witness in Criminal Case No 10 of 1896-97 on the file of that Court.

P.J.O.

Order thereon

Sanctioned as a special case the charges being debited to ~~Law charges under Law & Justice~~

2. & The Comptroller will be requested to ~~order~~ pay the amount of the above mentioned amount on the production of a proper bill by Mr Lee Stewart.

Govt are pleased to sanction the payment to Mr. Lee Stewart as a special case of actual charges as shown below:—

32 miles by road to Banavar & back — 32—0—0

Single Railway fare (1st class) from Banavar to Bangalore and back — 14-2-0 ~~28-4-0~~

Batta for 3 days at 5 Rs per diem — 15—0—0

Railway fare (3rd class) of a servant from Banavar to Bangalore and back — 2-5-6

Total 63-7-6

22/4/97

for Secy

Secy, verbal order

To,

The Comptroller in Mysore

" Mr Lee Stewart, who is requested to submit a bill to the Comptroller to the Govt of Mysore for payment

Copy to the Dy Secy Bangalore for information.

No. 11772 / 1341 dt 28-4-97